

ORDINANCE NO: 526

AN ORDINANCE OF THE TOWN OF EASTON RE-CODIFYING CHAPTERS 11 AND CHAPTER 13 FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

Introduced By: _____

Whereas, the Town of Easton is authorized to enact ordinances for the enhancement of the health, comfort and convenience of the citizens of the Town of Easton; and

Whereas, the Town of Easton is authorized by Maryland Annotated Code Article 12 §12-203 to have in force a minimum livability code that substantially conforms to the Minimum Livability Code; and

Whereas, the Town of Easton has enacted the “Minimum Housing Standards Code” and the “International Property Maintenance Code 2000” as the Town’s minimum livability code and has codified the same as Chapter 13 of the Town Code; and

Whereas, the Town Council believes that it is appropriate for the Town to adopt the current edition of the International Property Maintenance Code promulgated by the International Code Council as the property maintenance code for the Town of Easton; and

Whereas, under Article 2 §12 of the Town Charter, the Town Council is empowered to adopt standard codes of technical regulations by reference; and

Whereas, the Building Department advised the Town Council to re-codifying Chapters 11 and 13 during the adoption of the International Property Maintenance Code,

Now therefore, be it ordained by the Town of Easton that:

Section 1. Chapter 13, Sections 1 and 2 of the Code of the Town of Easton is hereby repealed and reenacted with amendments, to read as follows:

Chapter 13: Housing

GENERAL REFERENCES

Code of the Town of Easton
Code of Maryland Regulations

§ 13-1. Chapter Title.

That this chapter shall be known and may be cited as “Housing” of the Town of Easton, Maryland.

§ 13-2. General References. Reserved for the future references to the Code of the Town of Easton and the Code of Maryland Regulations.

Section 2. Chapter 13, Sections 3 through 9 of the Code of the Town of Easton is hereby repealed.

Section 3. Chapter 13, Article II, Sections 10 through 16 of the Code of the Town of Easton is hereby repealed and reenacted with amendments, to read as follows:

ARTICLE I: Affordable Housing Fund

§ 13-3. Establishment.

The Easton Affordable Housing Fund is hereby established as a separate segregated account under the name of the Easton Affordable Housing Fund, held by the Town to address the purposes set forth in this Ordinance.

§ 13-4 Source of Revenue.

The Easton Affordable Housing Fund shall be funded through revenues derived from the collection of payments in lieu of construction of affordable housing units including incremental units as provided for elsewhere in this chapter, from repayment of funds loaned from this fund, from commercial linkage fees provided for elsewhere in this chapter, from gifts, donations or grants, from interest earned by this fund, and from appropriations from the General Fund or other funds, as the Council may from time to time establish or approve.

§ 13-5. Administration.

a. The Easton Affordable Housing Fund shall be administered by an Administrator (the "Administrator").

b. The Administrator shall hold and account for the Easton Affordable Housing Fund. The Town Council may utilize a separate, independent entity to invest the proceeds of the Affordable Housing Fund. The investment of the Easton Affordable Housing Fund shall be in accordance with the Town's investment policies. It is the intention of the Town Council that the Affordable Housing Fund be a dedicated fund for the purposes set out herein. Therefore, any assets remaining in the Affordable Housing Fund at the end of any fiscal year shall be carried into the next fiscal year, including all interest and income earned, as well as any repayments or forfeitures of loans and/or grants.

§ 13-6. Administration Expenses.

Administrative costs of the Easton Affordable Housing Fund may be paid from the annual housing fund assets or from other revenue sources as designated by the Town Council as part of the annual budget process.

§ 13-7. Use of the Easton Affordable Housing Fund.

The Easton Affordable Housing Fund shall be used to increase affordable housing opportunities for residents of the Town. These activities may include, but are not limited to, the following purposes: to acquire or construct rental or owner-occupied dwelling units for persons of low to moderate income; to repair or rehabilitate existing rental or owner-occupied housing; to preserve housing opportunities for persons of low and moderate incomes, including home repair grants or loans and grants or loans to make homes accessible to individuals with disabilities; to sponsor programs to prevent homelessness; to provide funds to match other local, State or federal housing assistance programs; to provide settlement costs, down payment and loan write down assistance for qualified homeowners within the Town; to provide counseling and education as to affordable housing options for Town residents; and to pay the actual staffing and operational costs associated with the activities of the Affordable Housing Fund.

§ 13-8. Designation of Administrator; Appointment; Terms.

a. The Administrator shall be a Board designated as the "Easton Affordable Housing Board." The board shall consist of seven persons appointed by the Mayor, subject to the advice and consent of the Council. The membership of the board shall reflect the economic and ethnic composition of the Town and shall include persons with specific expertise with regard to housing issues. At least three of the members of the board shall be residents of the Town.

Members of the board shall serve terms of three years. The initial terms shall be staggered so as to provide for continuity of membership. Members are eligible for reappointment. On an annual basis, the board shall select one of its members to serve as chair.

b. The Town Clerk shall serve as temporary Administrator of the Fund until the members of the Board are appointed. If at any time in the future, due to the death or resignation of a majority of its members, the Board is unable to discharge its duties; the Town Clerk shall serve as temporary Administrator until the Board is able to resume its functions.

§ 13-9. Other Duties of the Administrator.

The Administrator shall:

- a. Develop an annual or biennial plan for using the assets of the Affordable Housing Fund to increase housing opportunities within the Town which plan shall be submitted to the Mayor and Town Council for its approval by resolution;
- b. Once the plan has been approved, to disburse funds from the Affordable Housing Fund in accordance with the plan;
- c. Periodically to revise the plan on at least a biennial basis;
- d. Recommend to the Mayor and Council qualified, independent entities to receive and process applications for funding on behalf of the Administrator; to assist in the formulation of the plan or to otherwise assist in the administration of the Affordable Housing Fund and
- e. Perform such other duties as the Mayor and Council may direct by resolution.

§ 13-10. Affordable Housing Fund - Administrative History.

Ordinance Number 483 passed by the Town of Easton Council on 4/18/2005, Established an Affordable Housing Fund.

Section 4. Chapter 13A of the Code of the Town of Easton is hereby repealed.

Section 5. Chapter 11 Article I, II and III, Sections 1 through 21 of the Code of the Town of Easton is hereby repealed and reenacted with amendments, to read as follows:

ARTICLE II. Garbage and Refuse.

§ 11-8 Definitions. For purpose of this article, unless the context otherwise indicates, the following definitions shall apply.

Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.

Garbage. Unwanted organic refuse, largely foods, either unconsumed or spoiled; (excepting ensilage in silos or properly drained stacks) organic wastes from the processing of foods containing natural moisture and a minimum of free liquids.

Refuse. All solid waste and includes garbage, rubbish, and ashes.

Waste. All unwanted materials, including liquid and solid waste materials.

§ 11-9. Receptacles Required - Specifications. The following shall be deemed approved receptacles that will be emptied and returned to the premises.

(A) For ashes. Ashes shall be placed until collected in metal, water-tight containers equipped with handles and a tight fitting metal cover, with a capacity of not less than 15 nor more than 26 gallons.

(B) For garbage and refuse. All garbage and refuse shall be placed and stored until collected in rust-resistant, tight, non-absorbent and easily washable receptacles which are covered with close-fitting lids. These receptacles must be of adequate capacity and must be provided in sufficient number to hold all garbage and refuse that accumulates between collections.

(C) For rubbish. All rubbish, except for large articles, shall be stored in containers suitable for collection purposes.

§ 11-10. Papers, Magazines or Other Light Materials. Papers, magazines, or other light materials liable to be blown about shall be bundled, tied, sacked, or otherwise properly secured and they shall be so packed that they can be easily handled by collectors.

§ 11-11. Receptacles - Sanitary Condition. All receptacles shall be washed occasionally and treated with a disinfectant if necessary to prevent a nuisance.

§ 11-12. Precollection Practices.

(A) Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

(B) All ashes shall be cool and kept dry.

§ 11-13. Accumulation of Refuse. No refuse shall be allowed to accumulate on any premise or vacant lot except in approved containers, and then only for the purpose of being collected.

§ 11-14. Depositing in Public Places Prohibited. No house refuse, rubbish, filth, offal, garbage, dead animal or part thereof, decaying vegetable matter or organic waste substance of any kind shall be deposited on any street or public place within the corporate limits of the town.

§ 11-15. Burning Matter Liable to Cause Nauseating Smoke or Vapor. No dead animals, garbage, offal, or putrescible matter or any kind or any other matter liable to produce nauseating or offensive smoke or vapors of any kind shall be burned within the town limits except in approved devices.

§ 11-16. Periodic Inspection of Premises. All premises within the corporate limits of the town shall be inspected periodically for compliance with the requirements of this chapter by the [Building Department](#).

§ 11-16.1. Control of Rubbish, Refuse, Garbage, and Waste. If the [Building Department](#) determines that garbage, refuse, rubbish, or other waste has accumulated on private property within the town to such an extent that the accumulation presents an immediate threat to the public health, safety, or welfare, the [Building Department](#) shall order, by certified or registered mail, return receipt requested, the owner of the property to remove all such rubbish, garbage, refuse, and other waste within five days of the date of the order. If, after the expiration of the five-day period, the refuse, garbage, rubbish, and other waste are not removed from the property, the [Building Department](#) shall arrange for the removal of the material by employees of the town or by other persons. Any cost or expense incurred thereby shall be payable by the property owner and shall constitute a lien upon the real property where the work is done.

§ 11-16.2. Setting Out Rubbish or Waste for Collection. No refuse or waste shall be set out for collection prior to 5:00 p.m. on the day preceding the regular collection day for such refuse or waste.

§ 11-17. Garbage and Refuse – Administrative History.

[Ordinance Number 208 passed by the Town of Easton Council on 11/7/1991](#)

[Ordinance Number 94, passed by the Town of Easton Council on 7/21/80](#)

[Ordinance Number 37, Liber No. 7 passed by the Town of Easton Council on 11/20/1951](#)

[Code 1941 Article IV • 26](#)

ARTICLE III. Refuse Disposal Charges.

§ 11-18. Refuse Disposal Fee Imposed. The Town of Easton shall impose a fee upon all properties from which refuse is collected by the Town for disposal. The amount of the fee for each property shall be determined in the manner set forth in [Section 11-25](#) and shall be used to offset the costs of disposing of refuse at the Mid-Shore Regional Landfill, or at such other facilities as the Town may dispose of refuse in the future. All monies raised by the fees shall be accounted for

separately by the Town Clerk and shall be used only for the purposes of paying tipping fees or similar charges imposed by the Mid-Shore Regional Landfill or other landfill utilized by the Town. If the imposition of the fees provided for herein results in a surplus in a given year, the surplus shall be accumulated and used to reduce the amount of the fees imposed in future years.

§ 11-19. Refuse Disposal Fee for Single Family Properties. An annual refuse disposal fee is imposed against each property in the Town improved by a single family dwelling. The annual fee is set out in Section 11-25 below.

§ 11-20. Refuse Disposal Fee for Multi-family Properties. An annual refuse disposal fee is imposed against each property in the Town of Easton improved by for multi-family housing projects. The annual fee shall be calculated according to the number of dwelling units located upon the property. The term "multi-family housing" includes, but is not limited to residential condominiums, apartment complexes and duplexes. The annual fee per dwelling unit is set out in Section 11-25 below.

§ 11-21. Refuse Disposal Fee for Commercial and Industrial Properties. An annual refuse disposal fee is imposed against all properties in the Town used for industrial or commercial purposes where the Town collects and disposes of refuse for the occupants of the property. The refuse disposal fee for commercial and industrial properties shall be calculated by the volume of refuse generated annually by businesses located upon the property and a commercial property shall be the "commercial refuse unit" which shall equal one hundred and four (104) cubic yards of uncompressed refuse per year. The annual fee per commercial refuse unit is set out in Section 11-25 below.

§ 11-22. Adjustments to Refuse Disposal Fee for Commercial and Industrial Properties. The Town Engineer shall have the authority to determine how many commercial refuse units should be charged to each commercial or industrial property. The basic rate shall be one (1) commercial refuse unit per property. In the event that the amount of refuse generated by a commercial or industrial property exceeds one (1) commercial refuse unit, the Town Engineer may increase the number of commercial refuse units attributed to the property.

§ 11-23. Manner of Collection; Personal Obligation of Property Owner; Unpaid Refuse Disposal Fee to Constitute Lien on Real Property. The refuse disposal fee shall be billed to the owner of each parcel of real property within the Town as to which the fee is applicable on an annual basis. The refuse disposal fee shall be due and payable thirty (30) days after the date of mailing of the statement to the owner of the property. An unpaid, overdue refuse disposal fee shall bear interest at the rate of one and one-half per cent per month until paid. An unpaid refuse disposal fee shall constitute a personal obligation of a property owner and shall be a lien against all real and personal property of the owner located within the Town.

§ 11-24. Appeal from Determination of the Town Engineer. Any property owner who believes that the Town Engineer has erred in the interpretation or application of the provisions of this Article in determining

- (1) Whether a refuse disposal fee should be charged against the property or
- (2) The amount of such fee may request a review of such determination by the Town Engineer. The Town Engineer shall review the matter, adjust the fee if he believes an adjustment is appropriate, and issue a written response to the property owner. If the property owner is not satisfied by the Town Engineer's determination, he may appeal the determination to Town Council. Any such appeal must be filed with the Town Office not less than thirty (30) days after the date of the determination by the Town Engineer. Upon receipt of a notice of appeal, the Town Council shall schedule a hearing upon the appeal and shall provide all interested parties with an opportunity to be heard. The Town Council shall issue a written determination of the issue or issues raised by the appeal. The written determination may take the form of an excerpt of the Town Council's minutes. Any party to the appeal before the Town Council may appeal

the decision of the Town Council to the Circuit Court for Talbot County in the manner provided by the Maryland Rules of Civil Procedure for administrative appeals.

§ 11-25. Schedule of Fees. The fees for refuse disposal

- (1) Single family properties: \$66.00 per home per year;
- (2) Multi-family properties: \$50.00 per unit per year;
- (3) Commercial/industrial properties: \$592.00 per year per commercial refuse unit.

§ 11-26. Refuse Disposal Charges – Administrative History.

Ordinance Number 293 passed by the Town of Easton Council on 2/1/1995.

Ordinance Number 200, passed by the Town of Easton Council on 6/27/1991

Section 6. Chapter 11 of the Code of the Town of Easton is hereby amended to add Sections 1 and 2, to read as follows:

Chapter 11: MINIMUM PROPERTY MAINTENANCE STANDARDS

GENERAL REFERENCES

Code of the Town of Easton

Health and Sanitation – Chapter 12

Litter Control Law – Chapter 16

Rat Control – Chapter 21

Code of Maryland Regulations

Minimal Livability Code – COMAR 05.02.03

§ 11-1. Chapter Title.

That this chapter shall be known and may be cited as the “Minimum Property Maintenance Standards” of the Town of Easton, Maryland.

§ 11-2. General References. That this chapter shall references Health and Sanitation – Chapter 12, Litter and Control – Chapter 16 and Rat Control – Chapter 21 of the Code of the Town of Easton and the Minimum Livability Code – 05.02.03 of the Code of Maryland Regulations.

Section 7. Chapter 11 of the Code of the Town of Easton is hereby amended to add Article I, Sections 3 through 7 entitled “Property Maintenance Code”, to read as follows:

ARTICLE I: Property Maintenance Code

§ 11-3. Adoption of Standards.

The current edition of the International Property Maintenance Code[®], as published by the International Code Council, is hereby adopted as the minimum standard for property maintenance in the Town of Easton, Maryland.

§ 11-4. State of Maryland – Minimum Livability Code.

The Code of Maryland Regulations, COMAR 05.02.03.03(2) states that the provisions of the Minimum Livability Code found therein do not apply to housing located in a political subdivision that has adopted a local housing code containing provisions that substantially conform to the provisions of COMAR 05.02.03; and

The Minimum Property Maintenance Code set forth herein substantially conforms to those provisions, and it is therefore intended that the adoption of this code shall have the effect of making COMAR 05.02.03 inapplicable in the Town of Easton, except to the extent that the application of those regulations would be more restrictive than the provisions of this code.

§ 11-5. Town of Easton – Property Maintenance Code Modifications.

The following modifications to the International Property Maintenance Code 2006 per the Town of Easton are to be incorporated by reference.

CHAPTER 1. ADMINISTRATION

101.1 Title. These regulations shall be known as the Property Maintenance Code of the [Town of Easton](#), hereinafter referred to as “this code.”

102.3 Application of other codes. Application of other codes for repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, [International Residential Code](#) and the [International Existing Buildings Code](#). Nothing in this code shall be construed to cancel, modify or set aside any provision of the [Town of Easton Building Code](#) and or [Zoning Ordinance](#).

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. [All structures locate within the Historic District shall meet the minimum requirements under Chapter 1 and Chapter 3, Sections 301, 302, 303, 307, and 308 to maintain the historic value of the structure and premise. All notices and orders under Section 107, will require the property owner to appear before the Historic District Commission.](#)

SECTION 103 BUILDING DEPARTMENT

103.1 General. The Building Department shall be responsible for the enforcement of the provisions of the International Property Maintenance Code.

103.2 Appointment. [Delete](#)

103.3 Deputies. [Delete](#)

103.4 Liability. [The Building Department's official, officers or employees](#) charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule; [License, Permits, Inspection and Review Fees](#).

SECTION 104 DUTIES AND POWERS OF THE BUILDING DEPARTMENT

104.1 General. The [Building Department](#) shall enforce the provisions of this code.

104.2 Rule-making authority. The [Building Department](#) shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The [Building Department's official, officers or employees](#) shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The [Building Department](#) is

authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The Building Department's official, officers or employees are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Building Department is authorized to pursue recourse as provided by law.

104.5 Identification. The Building Department's official, officers or employees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The Building Department shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The Building Department shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Department shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Department shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.2 Test reports.

Reports of tests shall be retained by the Building Department for the period required for retention of public records.

106.2 Notice of violation. The Building Department shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a municipal infraction and shall be subjected to the penalties set forth in Section 1-8 of the Easton Town Code, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the Town of Easton on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a municipal infraction and shall be subjected to the penalties set forth in Section 1-8 of the Easton Town

Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the **Easton Town Council** from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

107.1 Notice to person responsible. Whenever the **Building Department** determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the **Building Department** and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

108.1 General. When a structure or equipment is found by the **Building Department** to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the **Building Department** finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the **Building Department** is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the **Building Department** shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the **Building Department** has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the **Building Department** shall post on the premises or on

defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The [Building Department](#) shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the [Building Department](#) shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the [Building Department](#) shall be vacated. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

109.1 Imminent danger. When, in the opinion of the [Building Department](#), there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The [Building Department](#) shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the [Building Department](#)." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the [Building Department](#), there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the [Building Department](#) shall temporarily close structures and close, or order the [Easton Police Department](#) to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the [Building Department](#) shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the [Town of Easton](#). The [Town Attorney](#) shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

110.1 General. The [Building Department](#) shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where

there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the [Building Department](#) shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. [Delete.](#)

SECTION 111 MEANS OF APPEAL. [Delete chapter and replace with the following:](#)
SECTION 111 MEANS OF APPEAL.

111.1 Application for appeal. Any person directly affected by a decision of the [Building Department](#) or a notice or order issued under this code shall have the right to appeal to the [Easton Board of Zoning Appeals under the provisions set forth in Chapter 28 Zoning of the Code of the Town of Easton.](#), provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served.

111.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. [The board shall have no authority to waive requirements of this code.](#)

111.3 Membership of board. The board of appeals shall consist of a members who are qualified by experience and training to pass on matters pertaining to property maintenance. The code official shall be an ex-officio member, [during appeals relating to property maintenance](#), but shall have no vote on any matter before the board.

111.4 Administration. The code official shall take immediate action in accordance with the decision of the [Easton Board of Zoning Appeals](#).

CHAPTER 2. DEFINITIONS

201.3 Terms defined in other codes. Where terms are not defined in this code, and are defined in the International Building Code, International Plumbing Code, International Mechanical Code or the ICC Electrical Code [Administrative Provisions](#), such terms shall have the meanings ascribed to them as stated in those codes.

202 Definitions. Amend and add the following definitions:

APPROVED. Approved by the [Building Department](#).

BASEMENT. Basement is a portion of any dwelling located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR. Cellar is a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

MULTI-FAMILY DWELLING. Multi-family dwelling is any dwelling or part thereof containing three or more dwelling units.

PLUMBING. The materials and fixtures of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems.

WELFARE. Concerns welfare of the community, or an individual. Any violation or condition that could adversely affect property values or the quality of living in the community."

CHAPTER 3. GENERAL REGULATIONS

301.2.1 Transfer of responsibility. A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder shall not relieve any party of their direct responsibility under this code.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs."

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens vegetables property tended.

302.4.1 Weeds maintenance; duty to remove. No owner or agent having charge of a property shall permit on the premises, exterior property and upon any space abutting the same between the property line and the curb or edge of pavement, any weeds or plant growth in excess of 10 inches in height or noxious weeds lying, or located thereon. The owner or agent shall have the duty to remove, cut and destroy such weeds.

302.4.2 Failure to remove weeds. In the event that any owner or agent having charge of a property shall fail, for a period of five (5) days after written notice, to keep the premises clear of weeds, the Building Department shall have authority to have the condition remedied by any duly authorized employee of the Town of Easton or contractor hired by the Town of Easton shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon. Any cost or expense incurred by the town shall be paid by the owner or agent responsible for the property, or shall constitute a lien upon the real property where the work is done.

302.8 Motor vehicles. Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises. All unregistered vehicles must be covered with a car cover designed for such purposes and must be parked on an improved surface; i.e. pavement, gravel, or concrete driveway or parking area. No vehicles shall at any time be in a state of major overhaul (disassembly and or disrepair), or in the process of body work (being stripped and or dismantled). Panting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purpose.

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or

alphabet letters. Numbers shall be a minimum of 3 inches high with a minimum stroke width of 0.375 inch. Rear entrance identification shall be provided on all non-residential structures.

303.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained (clean), weatherproof and properly surface coated to prevent deterioration."

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. Keyed locksets are prohibited on sleeping spaces within any single dwelling unit, for one and two families unless approved by the Building Department as a Rooming House or Unit.

303.13 Window, skylight, door and their frames. Every window, skylight, door and their frame(s) shall be kept in sound condition, good repair and weather tight."

303.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

305.7 Utilities. No owner, operator or occupant shall cause any service equipment or utility which is required by this code to be removed, shut off or discontinued for any occupied structure, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded or abandoned on premises. Disposal of this equipment shall include the removal of the doors prior to placing such item for disposal outside the structure.

CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception 1: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

Exception 2: A skylight-type window shall be considered as a window for natural light for rooms or spaces other than living, sleeping or cooking.

403.1 Habitable spaces, Common Halls and Stairways. Every habitable space shall have at least one open able window. The total open able area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1. Common halls and stairways in every two-family dwelling, multi-family dwelling and rooming house shall be adequately ventilated.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

404.4 Habitable space requirements. Every habitable space shall comply with the requirements of Sections 404.4.1 through 404.4.6.

404.4.1 Habitable area. Every dwelling unit shall contain at least 190 square feet of habitable floor area for the first occupant, and at least 100 square feet of additional habitable floor area for each additional occupant.

404.4.2 Habitable living and sleeping spaces. Every living space shall contain at least 120 square feet (11.2 m²) and every sleeping space shall contain at least 70 square feet and every space occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant.

404.4.3 Access from sleeping spaces. Sleeping spaces shall not constitute the only means of access to other sleeping spaces or other habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two sleeping spaces.

404.4.4 Water closet accessibility. Every sleeping space shall have access to at least one water closet and one lavatory without passing through another sleeping space. Every sleeping space in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the sleeping spaces or an adjacent story without going outside the dwelling.

404.4.5 Prohibited occupancy. Eating, cooking and non-habitable spaces shall not be used for sleeping purposes. Cellars and basements shall not be used for habitable space.

Exception: No basement shall be used for habitable space unless:

1. The floors and walls are substantially watertight.
2. The total light, ventilation and occupancy limitations are in accordance with this chapter.
3. The required minimum window area of every habitable space is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

404.4.6 Other requirements. Habitable space shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5.1 Notice of maximum occupancy. Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under the provisions herein.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

404.7.1 Cooking equipment. Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

404.7.2 Portable cooking equipment. Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.

CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

502.2 Shared required facilities.

502.2.1 Two family dwellings. The occupants may share a single water closet, lavatory, bathtub or shower provided:

502.2.1.1 Neither of the two dwelling units contains more than two habitable spaces; however, for the purpose of this subsection, a kitchen with not more than 60 square feet of floor area is not counted as a habitable space.

502.2.1.2 The habitable space of each of such dwelling units aggregates not more than 250 square feet.

502.2.1.3 The water closet, lavatory and bathtub or shower are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

502.2.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units and or each six occupants. In a rooming house in which rooms are let only to males, flush urinals may be substituted in accordance with the International Plumbing Code. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this subsection except when approved by the Building Department.

CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 70°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of 10°F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Gas heaters and portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this chapter and are prohibited.

Exception: Delete.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a temperature of not less than 70°F in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature of 10°F.
2. Delete.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 1 to maintain a temperature of not less than 70°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

605.3 Site lighting. All exterior sidewalks, walkways, stairs, driveways, parking areas and similar areas shall be illuminated at night to a minimum level of 2 lux (0.2 footcandles) on pavement or other surface area. Tests for proper illumination shall be conducted in

accordance with standards established by the Illuminating Engineering Society. This subsection shall not apply to one and two-family dwellings.

CHAPTER 7. MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Building Code.

702.2 Aisles. The required width of aisles in accordance with the International Building Code shall be unobstructed.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Building Code.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Building Code.

§ 11-6. Property Maintenance Code - Supplements.

The International Code Council has printed the following errata discovered in the 2006 Edition of the International Property Maintenance Code. Errata will be updated on a periodic basis by the International Code Council and shall be incorporated by reference.

No Printings as of January 4th 2008

§ 11-7. Property Maintenance Code - Administrative History

Ordinance Number 449 passed by the Town of Easton Council on 10/7/2002, adopted the International Property Maintenance Code 2000.

Ordinance Number 404 passed by the Town of Easton Council on 5/15/2000 adopted the 1998 BOCA National Property Maintenance Code.

Ordinance Number 371 passed by the Town of Easton Council on 5/18/1998, amended the 1993 BOCA National Property Maintenance Code.

Ordinance Number 301 passed by the Town of Easton Council on 2/21/1995, adopted the 1993 BOCA National Property Maintenance Code.

Ordinance Number 153 passed by the Town of Easton Council on 6/6/1998, amended Chapter 11 Article II regarding weeds which is inherently cover in this section

Ordinance Number 81 passed by the Town of Easton Council on 8/7/1978, amended Chapter 11 Article II regarding weeds which is inherently cover in this section.

Ordinance Number 58 passed by the Town of Easton Council on 1/21/1963, Chapter 13 the Minimum Housing Standards Code.

Section 8. In accordance with Article II, Section 9 of the Easton Town Charter, this ordinance shall become effective on _____.

Vote of the Council this _____ day of _____, 2008

<u>Maureen Scott- Taylor</u>	[Yea] [Nay]
<u>Scott R. Jensen</u>	[Yea] [Nay]
<u>Leonard E. Wendowski</u>	[Yea] [Nay]
<u>Moonyene S. Jackson-Amis</u>	[Yea] [Nay]
<u>John F. Ford</u>	[Yea] [Nay]

I hereby certify that the above ordinance was [\[Passed\]](#) [\[Passed with Amendments\]](#) [\[Rejected\]](#)
by a yea and nay vote of the Council this _____ day of _____, 2008

John F. Ford, Town Council President

Delivered to the Mayor by the Town Manager this _____ day of _____, 2008

Robert Karge, Town Manager

I hereby [\[Approved\]](#) [\[Disapproved\]](#) this ordinance this _____ day of _____, 2008

Robert C. Willey, Mayor, Town Manager